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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,608	02/26/2002	Edward G. Tiedemann JR.	020277	7078
23696	7590	03/28/2006		
QUALCOMM, INC 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			EXAMINER TSEGAYE, SABA	
			ART UNIT 2616	PAPER NUMBER

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/085,608	TIEDEMANN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Saba Tsegaye	2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is in response to the amendment filed on 01/19/06. Claims 1-4 are pending. Currently no claims are in condition for allowance.

### ***Claim Rejections - 35 USC § 102***

2. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Kazmi et al. (US 2002/0159416).

Regarding claim 1, Kazmi discloses a method for frequency and channel assignment for sectors in a spread spectrum communications system, the method comprising:

modulating a message on a first synchronization channel transmitted on at least one first frequency from at least one sector (*it is inherent to modulate a data [for example: adjusting its power; transposing at the correct burst frequency etc.] Fig. 1 shows: a communication path includes a radio link formed between a base station 12 and the appropriate mobile station 14 [14a is constructed to be operable pursuant to IS-95 standard; and 14b is constructed to operable pursuant to IS-2000 standard]. Each radio link 26 includes a forward CDMA channel 27 and a reverse CDMA channel 28; as is known in the art that a forward link and a reverse link are allocated separate frequencies*);

modifying the message to generate a single modified message beginning with a Protocol Revision (P REV) field and ending with an Extended CDMA frequency Assignment (EXT CDMA FREQ) field (TYPE II message 400 includes P\_REV 330 and EXT\_CDMA\_FREQ206; see figs. 4, 5 and 6; TYPE II sync paragraph 0039-0042);

modulating the modified message on a second synchronization channel transmitted on at least one second frequency from the at least one sector (0037-0039).

Regarding claim 2, Kazmi discloses the method wherein the modulating a message on a first synchronization channel transmitted on at least one first frequency from the at least one sector comprises: modulating a Sync channel Message on a first synchronization channel transmitted on at least one first frequency from the at least one sector (0037).

Regarding claim 3, Kazmi discloses the method wherein the modulating a modified message on a second synchronization channel transmitted on at least one second frequency from the at least one sector comprises: modulating the modified Sync Channel Message on a second synchronization channel transmitted on at least one second frequency from the at least one sector (0039).

Regarding claim 4, Kazmi discloses the method wherein the modulating the modified message on a second synchronization channel transmitted on at least one second frequency from the at least one sector comprises: deleting at least one field from at message (0036).

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (571) 272-3091. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on (571) 272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2662

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST

March 21, 2006

  
JOHN PEZZLO  
PRIMARY EXAMINER